

F fw

DOCKET NO. 13039:90Div (CRAN18-00090)
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : David B. Whitten, et al.
Serial No. : 10/796,428
Filing Date : March 9, 2004
Title : METHOD AND SYSTEM FOR ACCOMPLISHING PRODUCT
DETECTION
Group Art : 3651
Examiner : Khoi H. Tran

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

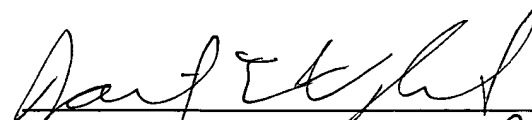
The undersigned hereby certifies that the following documents:

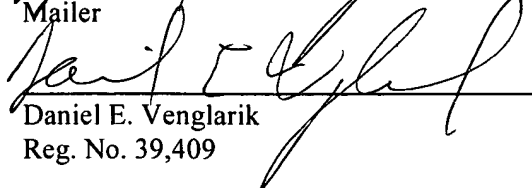
1. Response to Notice of Non-Responsive Amendment and Supplemental Response to Restriction Requirement; and
2. A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 6, 2006.

Date: 2-6-06

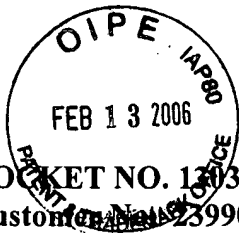
Date: 2-6-06



Mailer


Daniel E. Venglarik
Reg. No. 39,409

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: dvenglarik@davismunck.com



DOCKET NO. 13939:90Div (CRAN18-00090)
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : David B. Whitten, et al.
Serial No. : 10/796,428
Filing Date : March 9, 2004
Title : METHOD AND SYSTEM FOR ACCOMPLISHING
PRODUCT DETECTION
Group Art : 3629
Examiner : Jamisue A. Webb

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT
AND SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Notice of Non-Responsive Amendment mailed January 5, 2006, and in further response to the Restriction Requirement mailed August 19, 2005, Applicants provisionally elect Species IV, **WITH TRAVERSE**. As the Restriction Requirement concedes that claims 16 and 40 are generic, Species IV reads on pending claims 16–23, 34–35 and 40–55 and 57–72.

Applicants had previously provisionally elected the claims of Group II, with traverse. The Restriction Requirement included claims 16–19, 22–23, 34, 40–50, 52–55 and 57–61 in Group II. Claims 62–72 were added by a supplemental preliminary amendment within Applicants' response to the Restriction Requirement. In addition, Applicants noted that claims 20–21 and 34–35 depend,

directly or indirectly, from independent claim 16 of Group I, and are therefore novel and nonobvious if independent claim 16 is found to be novel and nonobvious.

The Restriction Requirement states:

4. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I, the embodiment wherein the method of detecting product delivery is per Figures 2 and 4, and all products are prevented from being delivered if a vend product is not detected;

Species II, the embodiment wherein the method of detecting product delivery is per Figures 5 and 7, and all products are prevented from being delivered if a vend product is not detected;

Species III, the embodiment wherein the method of detecting product delivery is per Figures 2 and 4, and the delivery of a set of products is prevented from being delivered [sic] if a vend product is not detected;

Species IV, the embodiment wherein the method of detecting product delivery is per Figures 5 and 7, and the delivery of a set of products is prevented from being delivered [sic] if a vend product is not detected;

Paper No. 20050816, page 3. Applicants respectfully note that Figure 5 does NOT depict either (a) a “method of detecting product delivery,” or (b) delivery of either all products or a set of products being prevent if a vend product is not detected. Instead, Figure 5 depicts a process of calibration for a delivery detection system.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@davismunck.com*.

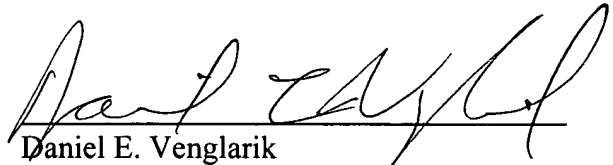
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK BUTRUS, P.C.

Date: _____

2/6/06


Daniel E. Venglarik
Registration No. 39,409

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3621 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: dvenglarik@davismunck.com